

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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BENJAMIN M.,<sup>1</sup>

Plaintiff,

5:18-CV-1079  
(GTS/ATB)

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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APPEARANCES:

OF COUNSEL:

LAW OFFICES OF KENNETH HILLER, PLLC  
Counsel for Plaintiff  
6000 North Bailey Avenue, Suite 1A  
Amherst, New York 14226

KENNETH R. HILLER, ESQ.  
JUSTIN M. GOLDSTEIN, ESQ.

SOCIAL SECURITY ADMINISTRATION  
OFFICE OF REG'L GEN. COUNSEL—REGION II  
Counsel for Defendant  
26 Federal Plaza, Room 3904  
New York, New York 10278

ALEXANDER BROCHE, ESQ.  
DAVID L. BROWN, ESQ.

GLENN T. SUDDABY, Chief United States District Judge

**DECISION and ORDER**

Currently before the Court, in the above-captioned Social Security action filed by Benjamin M. Mikos (“Plaintiff”) against the Commissioner of Social Security (“Defendant” or “Commissioner”), is the Report-Recommendation of Chief United States Magistrate Judge Andrew T. Baxter, filed on November 21, 2019, recommending that the Commissioner’s

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<sup>1</sup> In accordance with recent guidance from the Committee on Court Administration and Case Management of the Judicial Conference of the United States, which was adopted by the Northern District of New York in June 2018 in order to better protect personal and medical information of non-governmental parties, this Decision and Order will identify Plaintiff using only his first name and last initial.

decision denying Plaintiff Social Security benefits be reversed, and this action be remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. No. 18.) Objections to the Report-Recommendation have not been filed and the time in which to do so has expired. (See generally Docket Sheet.)

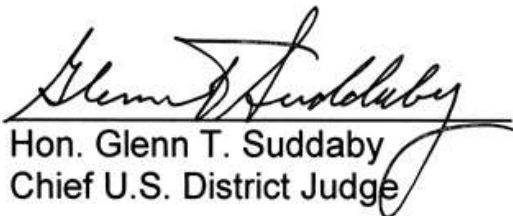
After carefully reviewing all of the papers herein, including Magistrate Judge Baxter's thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation: Magistrate Judge Baxter employed the proper legal standards, accurately recited the facts, and correctly applied the law to those facts. (Dkt. No. 18.) As a result, the Report-Recommendation is accepted and adopted in its entirety; the Commissioner's decision denying Plaintiff Social Security benefits is reversed; and this matter is remanded to the Commissioner of Social Security for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Baxter's Report-Recommendation (Dkt. No. 18) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that the Commissioner's decision denying Plaintiff Social Security benefits is **REVERSED**, and this matter is **REMANDED** to the Commissioner of Social Security for further proceedings under sentence four of 42 U.S.C. § 405(g).

Dated: December 18, 2019  
Syracuse, New York

  
Hon. Glenn T. Suddaby  
Chief U.S. District Judge